

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

NICHOLAS ZIMMERMAN,

Plaintiff,

v.

9:17-CV-375  
(CFH)

KEVIN RANDALL and MARK REIF,

Defendants.

JURY VERDICT FORM

PLEASE NOTE

- Each Juror will be provided with a Verdict Form. However, your verdict should be reported to the Judge on only ONE verdict form, signed by the jury foreperson. The remaining Verdict Forms should be returned to the Courtroom Deputy unsigned, following the completion of your deliberation.
- Please carefully follow the bold-type directions accompanying the questions.
- Please indicate your response to the following YES/NO questions by placing an "X" on the appropriate lines or by filling in a monetary amount, if you reach those questions.

(1) Did plaintiff prove, by a preponderance of the evidence, that any of the defendants listed below violated his Eighth Amendment right to be free from cruel and unusual punishment?

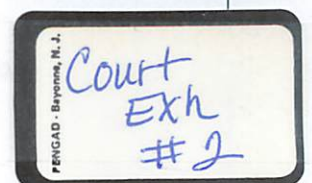
Defendant Kevin Randall: YES \_\_\_\_\_

NO X

Defendant Mark Reif: YES \_\_\_\_\_

NO X

*If your answer to question 1 is "no" for a particular defendant, then you must reach a verdict in favor of that defendant. If your answer to question 1 is "yes" for a particular defendant(s), please proceed to question 2 with regard to that defendant(s). If your answer to question 1 is "no" for all defendants, you have*



**reached a verdict in favor of defendants, and you are to sign and date the verdict form and notify the Marshal that you have reached a verdict.**

(2) If you answered "yes" to question 1: With respect to plaintiff's claim that defendants violated his Eighth Amendment rights due to the conditions of his confinement, did plaintiff prove, by a preponderance of the evidence, that plaintiff suffered a physical injury?

YES \_\_\_\_\_

NO \_\_\_\_\_

If you answered yes with respect to question 2 as to a defendant or defendants, please fill out the amount of compensatory damages you award with respect to defendant(s):

Defendant Kevin Randall: \$ \_\_\_\_\_

Defendant Mark Reif: \$ \_\_\_\_\_

***If your answer to question 2 is "yes," please skip question 2A and proceed to question 3. If your answer to question 2 is "no," please proceed to question 2A.***

(2A) If you answered "yes" to question 1, but determine that plaintiff has not proven, by a preponderance of the evidence, that he suffered any compensatory damages in connection with a defendant's or defendants' conduct, you must still return an award of damages in a nominal or token amount not to exceed the sum of \$1. Please state the amount of nominal damages you award to plaintiff:

***Reminder: You are to answer question 2A only if you have answered "no" to question 2, above. If you have answered "yes" to question 2, please skip question 2A and proceed to question 3.***

Nominal Damages amount: \$ \_\_\_\_\_

(3) If you answered "yes" to question 1 for a defendant or defendants, do you find that the defendant or defendants acted maliciously and wantonly with regard to plaintiff's constitutional rights such that plaintiff is entitled to an award of punitive damages?

Defendant Kevin Randall: Yes \_\_\_\_\_ No \_\_\_\_\_

Defendant Mark Reif: Yes \_\_\_\_\_ No \_\_\_\_\_

If you answered "yes" to any defendant or defendants in question 3, you do not need to determine an amount of punitive damages to award at this time.

*After you have answered the questions above, please have the foreperson sign and date this form and return it to the marshal. Please return any other copies of the verdict sheet to the marshal. Your deliberations are complete.*

9/27/2023  
Date

  
Jury Foreperson's Signature